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September 12, 2013

VIA ECF

Honorable Jesse M. Furman  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street, Room 630  
New York, NY 10007

**USDC SDNY**  
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**Re: Island Partners, et al. v. Deloitte & Touche, LLP, 1:05-cv-02770 (JMF)**  
**In re Adelphia Communications Corp. Securities & Derivative Litigation, 1:03-md-01529**  
**(JMF)**

Dear Judge Furman:

We represent Deloitte & Touche, LLP ("Deloitte") in the above-captioned action. At the outset, we note that the Court has pending a fully briefed motion to dismiss and has resolved all open discovery disputes. In light of the current status of the case, the parties jointly agree that it is appropriate to adjourn the currently scheduled conference.

If the Court prefers to proceed with the September 18, 2013 conference, pursuant to the Court's May 7, 2013, Order, the undersigned parties set forth below the requested information in advance of that pretrial conference.

**1. A statement of all existing deadlines, due dates, and/or cut-off dates:**

Under the Scheduling Order issued by the Court on May 7, 2013, the parties must complete fact discovery no later than February 7, 2014, and expert discovery no later than May 16, 2014. The Court also set interim discovery deadlines, including that requests to admit must be served by December 10, 2013; contention interrogatories must be served by January 7, 2014; and depositions must be completed by February 7, 2014.

**2. A brief description of any outstanding motions:**

On July 8, 2013, Deloitte filed a Motion to Dismiss plaintiffs' Amended Complaint. On August 8, 2013, plaintiffs filed an Opposition to Deloitte's Motion to Dismiss. On August 26, 2013, Deloitte filed a Reply in further support of its Motion to Dismiss plaintiffs' Amended Complaint.

There are no other outstanding motions.



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**3. A brief description of the status of discovery and of any additional discovery needs to be completed:**

The parties served their first set of document requests and interrogatories on May 31, 2013. No additional discovery has been completed given recent motion practice between the parties.

Plaintiffs have served subpoenas for documents on several third parties and are working with such parties to resolve any objections to production.

Depositions have not yet been scheduled.

**4. If any discovery remains to be completed, the number of prior requests for extension of the discovery deadlines and a brief summary of the reasons for those extensions:**

There have been no prior requests for extension of the discovery deadlines.

**5. A list of all prior settlement discussions, including the date, the parties involved, and the approximate duration of such discussions, if any:**

There have been no prior settlement discussions.

**6. A statement of the anticipated length of trial and whether the case is to be tried to a jury:**

The parties disagree on the length of a potential trial. Deloitte estimates the trial should take four to seven days. Plaintiffs' counsel estimates two to three weeks.

**7. A statement of whether the parties anticipate filing motions for summary judgment:**

In the event that Deloitte's motion to dismiss is not granted, Deloitte anticipates filing a motion for summary judgment.

**8. Any other issue that the parties would like to address at the pretrial conference or any information that the parties believe may assist the Court in advancing the case to settlement or trial:**

None at this time.



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Respectfully submitted,

**DLA Piper LLP (US)**

A handwritten signature in black ink.

Timothy E. Hoeffner  
Partner

Attachment  
cc: All counsel

In light of this letter, counsel in 05 Civ. 2770 need not appear at the pretrial conference (which is scheduled for September 16, 2013, NOT September 18, 2013). The parties are reminded that discovery is not stayed pending the Court's decision on the motion to dismiss.

SO ORDERED.

A handwritten signature in black ink.

September 13, 2013